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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/763,149	04/30/2001	Christoph Buskies	87977.029101	3439
34799	7590	06/14/2005	EXAMINER	
THOMAS R. FITZGERALD, ESQ. 16 E. MAIN STREET, SUITE 210 ROCHESTER, NY 14614-1803			ABEBE, DANIEL DEMELASH	
		ART UNIT		PAPER NUMBER
		2655		

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/763,149	BUSKIES, CHRISTOPH
Examiner	Art Unit	
Daniel D Abebe	2655	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 132-201 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) See Continuation Sheet is/are rejected.
- 7) Claim(s) 136-139, 143, 146, 155-158, 162, 170-173, 177, 180, 191-194 and 198 is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: ____.

Continuation of Disposition of Claims: Claims rejected are 132-135,140-142,144,145,147-154,159-161,163-169,174-176,178,179,181-190,195-197 and 199-201.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 132-135, 140-142, 144-145, 147-154, 159-161, 163-169, 174-176, 178-179, 181-190, 195-197 and 199-201 are rejected under 35 U.S.C. 102(b) as being anticipated by Gagnon (5,463,715).

As to claim to 132, Gagnon teaches a method for generating synthesized speech by concatenating sound segments using concatenation waveform pointers where each sound segment represent 3 bands consisting of initial, neutral (solo) and final waveform, comprising the steps of:

Establishing an initial waveform;

Establishing the later (final or solo) waveform wherein the later waveform is at trailing end of the initial waveform; and

Concatenating the audio segments (abstract; Col.2, lines 2-12; Fig.7).

As to claims 133-135 and 140-142, the central waveform is the solo articulation that appears a head of the final waveform and after the initial waveform (Fig.2)

As to claims 144-145, Gagnon teaches where the waveforms consist duration and performing pitch modification (Fig.3).

As to claims 147-149, Gagnon teaches where the waveforms are phonemes producing voice and where the location of concatenation takes place at the end of the phonemes (abstract).

Claims 150-154, 159-161, 163-169, 174-176, 178-179, 181-190, 195-197 and 199-201 are analogous to the claims above and are rejected by Gagnon for the foregoing reasons.

Allowable Subject Matter

Claims 136-139, 143, 146, 155-158, 162, 170-173, 177, 180, 191-194 and 198 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel D Abebe whose telephone number is 571-272-7615. The examiner can normally be reached on monday-friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 571-272-7629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel Abebe Primary Examiner A.U. 2655

A handwritten signature in black ink, appearing to read "Daniel Abebe".

June 6, 2005